

Summary
Environmental Rules Board
Indiana Government Center South
Conference Center Room A
Indianapolis, Indiana
Wednesday, November 13, 2019

A. Call to Order

Chair Gard called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Beverly Gard, William Etzler, Dr. Joanne Alexandrovich, Ken Rulon, Karen Valiquett, Cal Davidson, Chris Horn, R T Green, Jeffrey Cummins, Bruno Pigott, Chris Smith (for Cameron Clark), Mark Wasky, Angelique Collier, Michael Schuler.

B. Approval of Meeting Summary of August 14, 2019

Chair Gard called for approval of the August 14, 2019, meeting summary, which was approved.

C. IDEM Reports

Commissioner's Report

Commissioner Pigott introduced Karla Kindrick to the Board. She is the new administrative assistant for the Rules Development Section.

Next Commissioner Pigott talked about the incident in Northwest Indiana at the ArcelorMittal Burns Harbor facility on August 11th. There was a failure to a pump system in its blast furnace gas closed water recycle system in which it discharged cyanide into the Little Calumet River and killed approximately 3,000 fish. Investigations were done by IDEM, EPA and DNR and reports were given to ArcelorMittal as well as the U. S. Midwestern facility as they are located on the same water body.

Rules Update

Ms. Chris Pedersen, Chief, Rules Development Section (RDS), Office of Legal Counsel (OLC), spoke on the rulemakings that could come before the next Environmental Rules Board meeting, possibly January 8, 2020, which will be held in Conference Center Room A.

D. Rules

1. Lake and Porter Counties Ozone Reclassification Emergency Rule

Chair Gard opened the discussion for adoption the emergency rule for designations in Lake, Porter, and Vigo counties. Ms. Krystal Hackney, Rule Writer, RDS, OLC, spoke for the agency and said this rule temporarily revises the designations for Lake County and Porter County to nonattainment for the 2008 eight-hour ozone standard, and two townships in Vigo County to attainment for the SO₂ standard.

There were no questions and no board discussion. There were no commenters.

Mr. Rulon moved to adopt the emergency rule and Mr. Cummins seconded. The emergency rule was adopted unanimously.

2. Portland Cement Monitoring, LSA #18-364

Chair Gard opened the discussion for final adoption of amendments to 326 IAC 3-5-1 regarding the Continuous Opacity Monitoring for Portland Cement Plants. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke on the rule and said the rule will remove the continuous opacity monitoring requirement in the current state rule and provide the option to use continuous parametric monitoring system (CPMS) to be consistent with federal regulations. This is the second final adoption of the final rule because it was recalled during promulgation by the Attorney General's Office to address a necessary clarification in the rule language.

There were no commenters. The hearing was concluded. Mr. Rulon moved to final adopt the rule and Mr. Wasky seconded. With a roll-call vote, the rule was final adopt the rules amended.

3. Title 326 CFR Update and Corrections, LSA #19-382

Chair Gard opened the discussion for final adoption of amendments to 326 IA 1-1-3. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke regarding the update references to the Code of Federal Regulations (CFR) to the July 1, 2018 version to include new federal regulations that have been promulgated since that date.

There were no commenters. The hearing was concluded. Mr. Davidson moved to final adopt the rule and Mr. Smith seconded. With a roll-call vote, the rule was adopted.

4. Title 329 CFR Update and Correction, LSA #19-411

Chair Gard opened the discussion for preliminary adoption of amendments to rules at 329 IAC 1, 7.1, 10, 11, and 13 to update references to the CFR to the July 1, 2017 version to include new federal regulations that have been promulgated since that date. Ms. Krystal Hackney, Rule Writer, RDS, OLC, spoke for the agency about the affected waste rules. In addition, 329 IAC 3.1-2 is being repealed because the requirements can be found in the statute and the rule is no longer used by IDEM. The rule does not make any changes to the Hazardous Waste Rules in 329 IAC 3-1.

There were no commenters and the hearing was concluded.

Mr. Smith moved to final adopt the amendments to 329 IAC 1, 7.1, 10, 11 and 13 and Mr. Davidson seconded. By a roll-call vote, the rule was adopted.

5. Indiana Harbor Coke Company and Cokenergy SO2 Revisions LSA #19-388

Chair Gard opened the discussion for preliminary adoption of amendments to rules at 326 IAC 7-4.1 regarding SO₂ emission limitations for coke oven facilities at Indiana Harbor Coke Company and Cokenergy. Mr. Dan Watts, Rule Writer, RDS, OLC, spoke for the agency. He said the rule revises sulphur dioxide emissions limitations for Indiana Harbor Coke Company and Cokenergy to address a federal consent decree.

There were no commenters and the hearing was concluded.

Mr. Davidson moved to preliminarily adopt the amendments to 326 IAC 7.4-1 and Mr. Cummins seconded. By a roll-call vote, the rule was preliminarily adopted.

6. Emission Reporting Revisions LSA #19-409

Chair Gard opened the discussion for preliminary adoption of amendments to 326 IAC 2-6-1. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke regarding amendments to emission reporting requirements to add Clark and Floyd counties and to remove LaPorte County and Lawrenceburg Township in Dearborn County for consistency with current federal designations and the associated requirements.

There were no commenters and the hearing was concluded.

Mr. Cummins moved to preliminarily adopt rules and Mr. Davidson seconded. By a roll-call vote, the rule was preliminarily adopted.

7. Waste Tires LSA #17-279

Chair Gard opened the discussion for preliminary adoption of amendments to rules at 329 IAC 15 regarding waste tire management. Mr. Dan Watts, Rule Writer, RDS, OLC, spoke for the agency. He said this rule includes extensive amendments to the Waste Tire Rules that have not been revised for over 20 years. The rule updates the existing waste tire management requirements as well as adding the new requirements.

There were no commenters and the hearing was concluded.

Mr. Cummins moved to preliminarily adopt the amendments and Mr. Etzler seconded. By a roll-call vote, the rule was preliminarily adopted.

E. Non-Rule Policy Document

Nancy King provided background information on the non-rule policy document (NPD) process and the document was presented by Clark Kirkman OLC. The NPD addresses an IDEM inspector's right of access to regulated entities properties to conduct inspections.

F. Presentation of Citizen's Petition

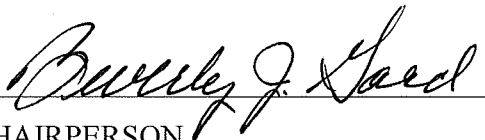
Chair Gard opened the discussion regarding the Citizen's Petition relating to the adoption of 2012 Federal Recreational Water Quality Criteria. Ms. Nancy King, OLC gave an overview of the citizen petition process and Mr. Craig Williams, Wastewater Superintendent from Angola spoke about the request for adoption of an Indiana-appropriate version of the 2012 EPA Recreational Water Quality Criteria.

G. Other Matters

Open Forum

The next meeting is tentatively scheduled for 1:30 p.m. on January 8, 2020, at the Indiana Government Center South Conference Room A. Chair Gard adjourned the meeting at 3:25 p.m.

H. Adjournment


CHAIRPERSON

The summary is derived from Rules Development Branch staff members' notes. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management and will be made available on the IDEM rules website. To view approved summaries, you may go online to <http://www.in.gov/idem/legal/2355.htm>.